

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

RIKI O'HAILPIN,	)	1:22-CV-00532-JAO-RT
et al.,	)	
	)	
Plaintiff,	)	RULE 16 SCHEDULING ORDER
	)	
vs.	)	
	)	
HAWAIIAN AIRLINES INC.,	)	
HAWAIIAN HOLDINGS, INC.,	)	
	)	
Defendants.	)	
	)	

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**RULE 16 SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16 and LR 16.2, a scheduling conference was held on February 27, 2023, before the Honorable Rom Trader, United States Magistrate Judge. Appearing telephonically at the conference were Lloyd Hochberg, John Sullivan, Walker Moller, Laura Carroll, David Nimocks, John Rhee, and Nicholas Kacprowski.

Pursuant to Fed. R. Civ. P. 16(e) and LR 16.3, the Court enters this scheduling conference order:

**TRIAL DATE:**

1. JURY trial in this matter will commence before the Honorable Jill A. Otake, United States District Judge on June 3, 2024, at 9:00 a.m.

**AMENDING PLEADINGS:**

2. All motions to join additional parties or to amend the pleadings shall be filed by August 8, 2023.

**EXPERT WITNESSES:**

3. Each party shall make the disclosures regarding expert witnesses or other witnesses with specialized knowledge as required by Fed. R. Civ. P. 26(a)(2) according to the following schedule:

a. All plaintiffs shall comply by September 25, 2023.

b. All defendants shall comply by November 24, 2023.

Rebuttal disclosures to a witness identified by another party pursuant to subparagraphs a and b hereinabove shall occur within thirty (30) days after the disclosure by the other party.

**DISCOVERY:**

4. Unless and until otherwise ordered by the Court, the parties shall follow the discovery plan agreed to by the parties herein pursuant to Fed. R. Civ. P. 26(f).

5a. Pursuant to Fed. R. Civ. P. 16(b)(3) and LR 16.2(a)(6), the discovery deadline shall be January 5, 2024. Unless otherwise permitted by the Court, all discovery pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive must be completed by the discovery deadline.

b. Unless otherwise permitted by the Court, all discovery motions and conferences made or requested pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive of LR 26.1, 26.2, and 37.1 shall be filed no later than December 6, 2023.

**MOTIONS:**

6. Dispositive motions shall be filed by January 5, 2024.

7. All other non-dispositive motions including any motion requiring an evidentiary hearing (including *Daubert* motions) shall be filed by March 5, 2024. This deadline does not include motions in limine or discovery motions.

8. Motions in limine shall be filed by May 6, 2024.

Any opposition memorandum to a motion in limine shall be filed by May 13, 2024.

**SETTLEMENT:**

9. A Telephonic settlement conference shall be held on February 27, 2024, at 10:00 a.m. before the Honorable Rom Trader, United States Magistrate Judge.

10. Each party shall deliver to the presiding Magistrate Judge a confidential settlement conference statement by February 20, 2024. The parties are directed to LR 16.5(b) for the requirements of the confidential settlement conference statement.

11. The parties shall exchange written settlement offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

**TRIAL AND FINAL PRETRIAL:**

12. A Telephonic final pretrial conference shall be held on April 23, 2024, at 9:00 a.m. before the Honorable Rom Trader, United States Magistrate Judge.

13. Pursuant to LR 16.4, each party herein shall serve and file a separate final pretrial statement by April 16, 2024.

14. By May 6, 2024, the parties shall pre-mark for identification all exhibits and shall exchange or, when appropriate, make available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial.

15. By May 13, 2024, each party shall serve and file a final comprehensive witness list indicating the identity of each witness that the party will call at trial and describing concisely the substance of the testimony to be given and the estimated time required for the testimony of the witness on direct examination.

16. The parties shall make arrangements to schedule the attendance of witnesses at trial so that the case can proceed with all due expedition and without any unnecessary

delay.

**17.** The party presenting evidence at trial shall give notice to the other party the day before of the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

**18.** The parties shall meet and confer regarding possible stipulations to the authenticity and admissibility of proposed exhibits by May 13, 2024.

**19a.** By May 13, 2024, the parties shall serve and file statements designating excerpts from depositions (specifying the witness and page and line referred to) to be used at trial other than for impeachment or rebuttal.

**b.** Statements counter-designating other portions of depositions or any objections to the use of depositions shall be served and filed by May 20, 2024.

**20.** By May 20, 2024, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and the supporting arguments and authorities.

**21.** By May 20, 2024 the parties shall file any objections to the admissibility of exhibits. Copies of any exhibits to which objections are made shall be attached to the objections.

**22a.** The original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court by May 28, 2024.

**b.** A thumb drive of all exhibits shall be submitted to the Court by May 28, 2024.

**23.** The parties shall prepare in writing and submit to the Court any special voir dire inquiries they wish the judge to ask the jury panel.

**24.** The parties shall confer in advance of trial for the purpose of preparing an agreed upon special verdict form, if a special verdict form is to be requested. The agreed upon special verdict form shall be submitted to the Court. In the event of disagreement, the

parties shall submit all proposed special verdict forms to the Court.

**25.** The parties shall confer in advance of trial for the purpose of preparing an agreed upon concise statement of the case that may be read by the trial judge to the jury during voir dire. The agreed upon concise statement of the case shall be submitted to the Court. In the event of disagreement, the parties shall submit all proposed concise statements of the case to the Court.

**26.** Jury instructions shall be prepared in accordance with LR 51.1 and submitted to the Court.

**27.** All submissions to the Court required by paragraphs 23, 24, 25 and 26 shall be made by May 20, 2024.

**28.** A final pretrial conference shall be held on May 20, 2024, at 10:00 a.m. in Aha Kanawai before the Honorable Jill A. Otake, United States District Judge.

**29.** (RESERVED)

**OTHER MATTERS:**

Court sets Telephone Conference for **March 14, 2023, at 8:45 a.m. and June 2, 2023, at 9:00 a.m.** before Magistrate Judge Trader. No submissions required.

For all telephonic hearings before Magistrate Judge Rom A. Trader, the parties and other participants must call-in at least five (5) minutes prior to the scheduled start time of the conference. Call-in instructions are below:

Dial in number: 1-833-568-8864 (toll-free).

Meeting ID: 161 5641 6035.

The Confidential Settlement Conference statements shall be delivered (one-set, hard copy) to the Clerk's Office and an electronic copy emailed to [Trader\\_Orders@hid.uscourts.gov](mailto:Trader_Orders@hid.uscourts.gov).

The parties are directed to review the *General Civil Case Procedures Before Judge Otake* available on the court's website.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 27, 2023.



A handwritten signature in blue ink, reading "Rom A. Trader".

Rom A. Trader  
United States Magistrate Judge